

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

ROBERT P. BENAVIDES,)	
)	
Plaintiff,)	
vs.)	No. 1:13-cv-129-TWP-TAB
)	
LIEUTENANT CHRISTOPHER)	
HOOSE and SGT. VIVIAN MALONE,)	
)	
Defendants.)	

Entry On Motion to Appoint Counsel

Plaintiff Robert P. Benavides's motion for appointment of counsel [Dkt. 9] has been considered. Mr. Benavides asserts that he has been unsuccessful in recruiting representation on his own. Although the court concludes, based on the above filing, that Mr. Benavides has made a reasonable effort to secure representation, at this time, he should continue his own effort.

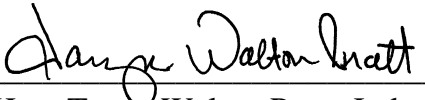
The court proceeds to the second inquiry required in these circumstances. The court's task in this second inquiry is to analyze the plaintiff-s abilities as related to "the tasks that normally attend litigation: evidence gathering, preparing and responding to motions and other court filings, and trial." *Pruitt v. Mote*, 503 F.3d 647, 655 (7th Cir. 2007). Accordingly, the question is not whether an attorney would help the plaintiff-s case, but whether, given the difficulty of the case, the plaintiff seems competent to litigate it himself. *Id.* at 653-655. At this point, and based on the comprehensible filings, his use of the court's processes, his familiarity with both the factual circumstances surrounding his claims and with the legal

issues associated with those claims, the Court finds Mr. Benavides is competent to litigate on his own.

For the reasons stated above, the motion for appointment of counsel [Dkt. 9] is **DENIED**.

SO ORDERED.

Date: 04/12/2013


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

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